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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lubisch et al.)
)
Application No.: 10/574,211)
)
Filing Date: January 22, 2007)
)
Title: Heteroaryl-Substituted 1,3-)
Dihydroindol-2-One Derivatives and)
Medicaments Containing Them)
)
Atty. Dkt. No.: ABB10010P00912US)
)
Art Unit: 1625)
)
Examiner: Nizal S. Chandrakumar)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

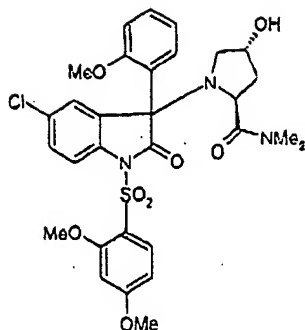
Sir:

This is in response to the Restriction Requirement mailed on May 08, 2008 in connection with the above-identified case.

Applicants herewith elect Group 7 (Claims 1-10 and 18 drawn to compounds of the core structure wherein AH is an aromatic heteromocyclic ring and the other substituent in the 3-position is bound via a nitrogen atom). Claims 1-10 and 18 encompass the claimed invention. The election is made with traverse.

First, Groups 7 and 20 relate to a single general inventive concept because Group 20 refers to the use of compounds of Group 7.

Second, compounds of Groups 5 ($R^5=O$ - or C-bound radical), compounds of Group 6 ($R^5=S$ -bound radical), and compounds of Group 7 ($R^5=N$ -bound radical) relate to a single general inventive concept vis-à-vis the cited compound SSR 149415. The prior art compound has the following structural formula:



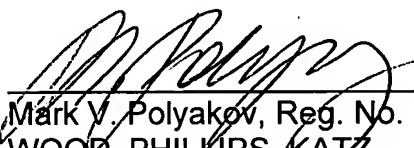
being characterized by the phenyl ring in the 3-position. In contrast thereto, the compounds of Groups 5, 6, and 7 are all indolone rings carrying in the 3-position an aromatic heteromonocyclic ring. Thus, the common inventive idea of the compounds of Groups 5, 6, and 7 is the indolone ring carrying in the 3-position an aromatic heteromonocyclic ring. Likewise, Groups 18 and 19 belong to the same invention because they refer to the use of compounds of Groups 5 and 6.

Applicants expressly reserve the right to pursue claims to the non-elected subject matter in divisional applications. Applicants also expressly reserve the right to rejoinder upon the allowance of the elected claims.

If any fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account no. 23-0785.

Respectfully submitted,

Date: June 9, 2007


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CERTIFICATE OF MAILING

I hereby certify that this Response to Restriction Requirement is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **June 9, 2007**.



Rachel Burke